

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

| | | |
|-------------------------|---|--------------------------------|
| NOCO COMPANY, |) | Case No. 1:20-cv-00936 |
| |) | |
| Plaintiff, |) | Judge J. Philip Calabrese |
| |) | |
| v. |) | Magistrate Judge David A. Ruiz |
| |) | |
| DEVON ANTHONY SMITH dba |) | |
| KITBOSE.COM, |) | |
| |) | |
| Defendant. |) | |
| |) | |

ORDER

Plaintiff filed this lawsuit on May 5, 2021, but has not yet perfected service on Defendant. Pursuant to Rule 4(m), “[i]f a defendant is not served within 90 days after the complaint is filed, the court . . . must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). “But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” *Id.*

Plaintiff was required to serve Defendant by August 3, 2021, but still has not done so. The Court **ORDERS** Plaintiff to show cause why the case should not be dismissed without prejudice. The Court **ORDERS** Plaintiff to show cause no later than fourteen (14) days from the date of this Order.

SO ORDERED.

Dated: August 25, 2021

A handwritten signature in black ink, appearing to read 'J. Calabrese', with a long horizontal flourish extending to the right.

J. Philip Calabrese
United States District Judge
Northern District of Ohio